

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF VIRGINIA
(NORFOLK DIVISION)**

PAULA V. GEORGES

Plaintiff

v.

L'MONT ANDRE GLENN

&

**PENSKE LEASING, AND RENTAL
COMPANY**

& B&TT TRUCKING, LLC

Defendant

Case No.

COMPLAINT

COMES NOW, the Plaintiff, PAULA V. GEORGES, by and through his counsel, Christopher M FitzPatrick, Esq. and Morgan & Morgan, DC, PLLC brings this cause of action against the Defendants, L'MONT ANDRE GLENN, PENSKE LEASING RENTAL COMPANY, and B&TT TRUCKING, LLC on the grounds and in the amounts set forth herein.

PARTIES

1. Plaintiff, PAULA V. GEORGES, is a citizen of the United States under no legal disability, and a resident of Dorchester County, South Carolina.
2. Defendant, L'MONT ANDRE GLENN under knowledge, information, and

belief, is a citizen of the United States, and a resident of Palm Beach County, Florida under no legal disability.

3. Defendant, PENSKE LEASING AND RENTAL COMPANY, is a registered Pennsylvania Corporation in the business of leasing commercial trucks and vehicles.

4. Defendant, B&TT Trucking, LLC, is a registered Pennsylvania Corporation in the business of leasing commercial trucks and vehicles.

5. The Defendant, L'MONT ANDRE GLENN was operating his vehicle with the permission and consent of the Defendant, PENSKE LEASING AND RENTAL COMPANY and through the scope of his employment for his employer B&TT TRUCKING, LLC.

JURISDICTION AND VENUE

6. Jurisdiction is vested in this Court, and venue is also proper in this Court, as the tortious injury occurred in Chesapeake City, Virginia.

7. Jurisdiction is vested in this Court based on diversity jurisdiction pursuant to 28 U.S.C. 1332 (a).

FACTS

8. On or about July 21, 2022, at approximately 12:30 PM the Plaintiff, PAULA V. GEORGES, was a passenger in a 26-foot commercial truck owned by PENSKE LEASING AND RENTAL COMPANY and driven by the Defendant, L'MONT ANDRE GLENN within the scope of his employment in B&TT TRUCKING, LLC.

9. Defendant, L'MONT ANDRE GLENN, was operating his vehicle exiting Interstate-264 Exit 13 onto Military Highway in Chesapeake City, Virginia when suddenly he lost control of the truck that he was driving, as he was operating the vehicle at an excessive rate of speed.

10. After the Defendant, L'MONT ANDRE GLENN, lost control of his truck, the vehicle flipped over on the shoulder of the exit ramp, causing severe and excessive injuries to Plaintiff's left ear. Additionally, the Plaintiff suffered severe cuts to her left arm and also suffered from injuries to her left and right shoulders, as well as both of her left and right hands and other body parts.

11. The aforementioned collision occurred as the proximate result of the negligent conduct of the Defendant.

12. At all times relevant, Plaintiff was free of any contributory negligence as to the cause of the collision and the injuries sustained. Likewise, Plaintiff did not assume the risk of injury.

13. Defendant, L'MONT ANDRE GLENN was acting through the scope of his employment for his employer B&TT Trucking, LLC. Therefore, pursuant to the doctrine respondeat superior B&TT Trucking, LLC is vicariously and liable for its acts and omissions of its employee, Defendant, L'MONT GLENN.

COUNT I – NEGLIGENCE

Plaintiff re-pleads and incorporates by reference paragraphs No. 1 through paragraph No. 13 of this Complaint fully, as if the allegations were set forth fully herein and further states:

14. The Defendant had a duty to operate his vehicle in a careful and safe manner.

15. The Defendant breached his duties of care by:

- a. Failing to keep a proper distance from another motorist by following too closely;
- b. Failing to obey the traffic signs and signals;
- c. failing to maintain control of his vehicle;
- d. failing to use reasonable care when operating his vehicle;

- e. failing to obey traffic laws;
- f. failing to safely operate his vehicle at a reasonable rate of speed;
- g. failing to keep a proper lookout;
- h. failing to take steps to avoid causing a collision;
- i. failing to generally operate his vehicle in a safe, reasonable, and prudent manner;
and was otherwise negligent;
- j. And other acts of negligence.

16. Pursuant to respondeat superior by law B&TT Trucking, LLC is responsible for the negligent acts and and/or omissions of their employees.

17. At all times relevant hereto, it was the Defendant's duty to obey statutes enacted for public safety, including and VA Code § 46.2-861, requiring drivers to operate their vehicle at a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.

18. The Defendant violated this statute which proximately caused the auto collision and resulted in the injuries to the Plaintiff.

19. Plaintiff was a member of the class to be protected by this statute.

COUNT II- NEGLIGENT HIRING AND RETENTION AS AGAINST DEFENDANT B&TT TRUCKING, LLC

20. The Defendant, L'MONT GLENN had an extensive criminal history.

21. Defendant, B&TT TRUCKING, LLC was negligent and grossly negligent for not conducting an extensive background check on Defendant, L'MONT GLENN which would have picked up his extensive criminal history.

22. Defendant, B&TT TRUCKING, LLC had a duty to perform a background check of the Defendant to ensure the safety of the Plaintiff as well as third parties.

23. Defendant, B&TT TRUCKING, LLC breached their duty of care by failing to perform an employment as well as a criminal and driving history background check of the Defendant, L'MONT GLENN.

24. As a result of their breach of duty of care B&TT TRUCKING, LLC and negligence was a proximate cause of the injuries to Plaintiff, PAULA GEORGES.

COUNT III- NEGLIGENT ENTRUSTMENT AGAINST DFEENDANT PENSKE LEASING AND RENTAL COMPANY

25. Defendant, PENSKE LEASING AND RENTAL COMPANY had a duty of care to ensure that a criminal background check and a driving background check.

26. Defendant, PENSKE LEASING AND RENTAL COMPANY breached their duty of care and failed to perform and failed to perform criminal background check as well as well a driving background check of the Defendant, L'MONT GLENN.

27. A simple driving and background check would have easily detected Defendant, L'MONT GLENN'S extensive criminal and driving record history.

28. Defendant, PENSKE LEASING AND RENTAL COMPANY breached their duty of care to the Plaintiff a foreseeable party.

29. As a result, Defendant, PENSKE LEASING AND RENTAL COMPANY negligently entrusted the care of the truck to Defendant, L'MONT GLENN who was acting with authority within the scope of his employer Defendant, B&TT TRUCKING, LLC.

30. As a proximate cause of the negligent entrustment of the vehicle to the care of L'MONT GLENN proximately caused the injuries to Plaintiff, PAULA GEORGES.

DAMAGES AND AD DAMNUM

31. As a direct and proximate result of the above-described breaches of duties, Plaintiff, PAULA V. GEORGES was caused to suffer serious injury to her person, to include pain and suffering, emotional distress, loss of enjoyment of life, loss of opportunity, permanent physical impairment, disfigurement, lost wages, past and future, medical expenses, past and future, and other damages, with no negligence or lack of due care on her part contributing thereto.

32. The aforementioned damages are permanent and continuing in nature.

WHEREFORE, Plaintiff, PAULA V. GEORGES respectfully requests that this Court grant judgment in favor of Plaintiff for a personal injury action of and against Defendants, L'MONT ANDRE GLENN, B&TT Trucking, LLC, and PENSKE LEASING AND RENTAL COMPANY jointly and severally in the amount of \$5,000,000 for compensatory damages and for such other amounts permitted by law as well as interest from July 21, 2022, and attorneys' fees and costs, or such other amounts as permitted by law and for such further relief as this Court deems just and proper.

PRAYER FOR A JURY TRIAL

Plaintiff, by and through the undersigned counsel, hereby requests a jury trial on all triable issues in the above-captioned matter.

Respectfully submitted,

/s Christopher M. FitzPatrick

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